

1 JERRY Y. FONG, ESQ. (SBN 99673)
2 THE LAW OFFICE OF JERRY FONG
3 706 COWPER STREET; SUITE 203
4 PALO ALTO, CA 94301
5 650/322-6123
6 650/322-6779 fax
7 jf@jerryfong.com

5 || Attorney for Defendant ALBERT KEJENG HU

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

I, Jerry Fong, declare:

1. I am an attorney licensed to practice law before this Court and am the attorney
of record for Defendant Albert Hu.

19 2. I make this declaration in support of Mr. Hu's request for an evidentiary
20 hearing on the sentencing issues identified in the companion pleading.

21 3. Attached as Exhibit "A", in 5 sub-parts, are the relevant pages of the transcript
22 of Bob Lin's trial testimony in this case (in numerical order).

25
24 4. Attached as Exhibit "B" is the relevant portion of Sean Varah's FBI 302 report.

25 5. Attached as Exhibit "C" is the relevant portion of Chris Danielan's FBI 302
26 report.

27 6. Attached as Exhibit "D" is the relevant portion of Ka Shun Wong's FBI 302
report.

1 7. Attached as Exhibit “E” is the relevant portion of Eugene Ko’s FBI 302 report.
2 8. Attached as Exhibit “F” is the relevant portion of Hong Liang Lu’s FBI 302
3 report.

4 9. Attached as Exhibit "G" is the relevant portion of Dan Ye's FBI 302 report.

5 10. Attached as Exhibit "H" is the relevant portion of the Asenqua Ventures
6 Members Fund.

7 11. Attached as Exhibit "I" are two pages of internet postings relating to Konarka.

8 12. Attached as Exhibit "J", in 3 sub-parts are news articles or internet postings
9 collected by the Defendant relating to the success of Singapore as an emerging force for the
10 location of hedge funds and the business advantages offered by Singapore for hedge funds
11 to locate or to relocate there.

12 13. Attached as Exhibit "K" are the relevant pages from the Private Placement
13 Memorandum of Fireside LS Fund, re advising that prospective investors should consult with
14 his or her own investment adviser and other professionals before investing.

14. I was Mr. Hu's trial counsel during his trial. I observed the Government's
15 direct examination of witness Grace Doong and I conducted the cross-examination of Grace
16 Goong. To the best of recollection and belief, Grace Doong testified that she had made all
17 the investments on behalf of herself and her sister (Yu-Mei Doong). Grace Doong also
18 testified that she was the only person who interacted with Albert Hu and that Yu-Mei Doong
19 had not ever communicated with or met Mr. Hu.

15. Should the Court deem it necessary, Mr. Hu stands ready and willing to proffer
that he has personal knowledge of the facts alleged or set forth in his request for an
evidentiary hearing and that he can provide supporting or corroborating testimony re same.

24 I declare under the penalty of perjury that the foregoing is true and correct, to the best
25 of my recollection, knowledge, and belief. Executed on December 19, 2012, in Palo Alto,
26 CA.

JERRY Y. FONG /S/